

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NICK VINCENT FLOR,

Plaintiff,

v.

Cause No. 1:20-CV-27-JAP-LF

THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEW MEXICO,
STEPHEN BISHOP, LISA BROIDY,
KEVIN GICK, KARIN HIGH, ERIC LAU,
individually and in their official capacities,
and EVA CHAVEZ,

Defendants.

DECLARATION OF NICHOLAS T. HART

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am over 18 years of age, and I have personal knowledge of the facts set forth in this declaration. I am an attorney and partner in the law firm of Harrison & Hart, LLC. I represent Plaintiff Nick V. Flor in the above-captioned matter.

2. This declaration sets forth facts regarding various communications I had with Ms. Alisa DeLara, opposing counsel in this case.

3. On or about August 14, 2020, Ms. DeLara requested my position over phone regarding an extension of time to respond to Plaintiff's first set of discovery requests. Ms. DeLara stated that the reason for this extension of time was due to the COVID-19 pandemic. She never mentioned anything regarding a potential discovery stay because of a qualified immunity defense in a summary judgment motion.

4. On August 14, 2020, Ms. DeLara emailed me her proposed order and motion for extension of time. I did not oppose the request based on her previous explanation for the extension of time.

5. On September 11, 2020, Ms. DeLara again requested an extension of time to respond to Plaintiff's first set of discovery requests. Ms. DeLara, again, did not disclose that she would raise a potential discovery stay because of a qualified immunity defense in a summary judgment motion. I did not oppose such an extension because I presumed the delay was due to the COVID-19 pandemic again.

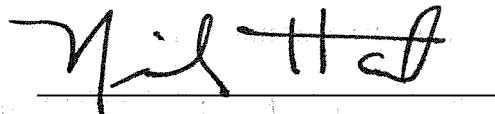
6. Months prior, on May 8, 2020, I emailed Ms. DeLara to request dates to schedule depositions in this case. I requested date availabilities for all the prior-named Individual Defendants, Angela Catena, Sara Cliffe, Camille Carey, and Barbara Rodriguez. Ms. DeLara did not reply to my email.

7. If Ms. DeLara had disclosed that she planned to file a motion for summary judgment raising a qualified immunity defense that could potentially stay all discovery, I would not have agreed to her requests for extension of time.

8. I believe that Ms. DeLara purposefully did not disclose her plan of raising a qualified immunity defense via a motion for summary judgment in our previous communications to further delay this case and thus gain a tactical advantage over Plaintiff.

9. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 28th day of October 2020.

A handwritten signature in black ink, appearing to read "Nicholas T. Hart", written over a horizontal line.

Nicholas T. Hart